


IRELAND
STAPLETON

January 4, 2016

SENT VIA HAND DELIVERY

U.S. Environmental Protection Agency
Region 8
Attn: Shawn McCaffrey (8ENF-RC)
1595 Wynkoop Street
Denver, CO 80202-1129

***Re: Response to Request for Information Pursuant to Section 104(e) of CERCLA
Widefield PCE Site, Colorado Springs and Security, Colorado, SSID #08-SQ***

Dear Mr. McCaffrey:

On behalf of Mission Trace Kim, LLC, a Colorado limited liability company ("**MTK**"), this letter responds to your November 4, 2015 correspondence to Mr. Jong H. Kim regarding the above-referenced Request for Information. As discussed in detail in the January 4, 2016 response letter submitted by Mr. Kim, Mr. Kim is not a proper respondent, as he is not a potentially responsible party under Section 107 of CERCLA. He is not a current or past owner or operator of any part of the Mission Trace Shopping Center, of which the Site is a part, did not arrange for disposal or treatment of hazardous substances at the Site, and did not select the Site as a site for disposal or treatment of hazardous substances or transport hazardous substances to the Site for disposal or treatment. Mr. Kim is the sole Member and Manager of MTK, which the Colorado Secretary of State has identified as delinquent since May 1, 2006. A chain of title (going back to 1986) is included in response to Question 5. While MTK owned the Mission Trace Shopping Center, of which the Site is part, from 2002-2006, Mr. Kim never held title to the Site (or engaged in any other activities that would make him a potentially responsible party under CERCLA) in his individual capacity.

Notwithstanding the foregoing, MTK recognizes the importance of the information sought by the Environmental Protection Agency and the need to fully and appropriately respond to the above referenced Request for Information. Therefore, in an effort to provide the information sought, and to reinforce the important distinction between Mr. Kim and MTK, MTK submits this response to the above referenced Request for Information. As used within this Response, the terms "you" and "Respondent" shall refer to MTK.

Responses to specific questions are set forth below:

1. **Identify the person(s) answering these questions by providing their name, address, and telephone number.**

Mission Trace Kim, LLC
Attention: Jong H. Kim
P.O. Box 60609
Colorado Springs, CO 80960
719-638-8939

Rebecca Almon
717 17th Street, Suite 2800
Denver, Colorado 80202
303-623-2700
ralmon@irelandstapleton.com

2. **Identify the person(s) whom you wish to receive all further communications from the EPA related to the Site.**

Rebecca Almon
717 17th Street, Suite 2800
Denver, Colorado 80202
303-623-2700
ralmon@irelandstapleton.com

3. **For each and every question contained herein, identify all persons consulted in the preparation of the answer.**

For each question contained herein, Mr. Jong H. Kim and his son, John Kim, were consulted in the preparation of the answer.

4. **For each and every question contained herein, identify documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the question, and provide accurate copies of all such documents.**

Each response below identifies documents consulted, examined, or referred to in the preparation of each individual answer. Copies of each document are attached hereto.

5. **Describe the relationship among you, TMP Mission Trace LLC, TMP Trace LLC, Mission Trace Kim, LLC, TMP Trace LLC PT, and King's One Hour Dry Cleaner as it relates to the Site. Provide copies of all documents related to each relationship, including, but not limited to, merger agreements, purchase agreements, property transfer documents and assumptions of liability.**

To assist in answering this Question 5, a chain of title going back to 1986 is attached hereto as Exhibit A. This chain of title was not prepared by an abstract or title company, and we do not warrant that it is complete or accurate. These documents were collected based on the information available on the El Paso County Assessor's Office website.

You/Mission Trace Kim, LLC:

MTK is a Colorado limited liability company, which the Colorado Secretary of State has identified as delinquent since May 1, 2006. Mr. Kim is the Sole Member and Manager of MTK. While Mr. Kim was listed as the Buyer under the Agreement for Purchase and Sale of Real Property and Escrow Instructions dated January 21, 2002, as amended by the First Amendment to the Purchase and Sale of Real Property and Escrow Instructions dated January 21, 2002, as amended by the Second Amendment to the Purchase and Sale of Real Property and Escrow Instructions (undated), as amended by the Third Amendment to the Purchase and Sale of Real Property and Escrow Instructions dated April 5, 2002 (altogether the "Contract," attached hereto as Exhibit B), MTK was the actual purchaser of and MTK took title to the Mission Trace Shopping Center, of which the Site is a part, when it was conveyed as shown by the General Warranty Deed, attached hereto as Exhibit A-5, and, by law, the Contract merged with the deed.

As shown by the documentation set forth in Exhibit A, MTK owned the Mission Trace Shopping Center, of which the Site is a part, from May 16, 2002 to June 27, 2006. The General Warranty Deed dated May 16, 2002 and recorded May 17, 2002 in the El Paso County Records at Reception No. 202081324 by which MTK acquired title to the Mission Trace Shopping Center, of which the Site is a part, is attached hereto as Exhibit A-5. The Public Trustee's Deed dated June 27, 2006 and recorded June 27, 2006 in the El Paso County Records at Reception No. 206084839 by which the Public Trustee of El Paso County conveyed title to New Mission, LLC as a result of the foreclosure of the Deed of Trust dated June 28, 1999 and recorded in the El Paso County Records is attached hereto as Exhibit A-8. The aforementioned Deed of Trust was granted by TMP Trace, LLC and assumed by MTK pursuant to that Assumption and Release Agreement set forth in Exhibit F. (For purposes of providing a complete background on the relationships of the various parties to the Site, the Deed of Trust and other loan documents underlying the Assumption and Release Agreement and the foreclosure documents related to the Public Trustee's Deed in Exhibit A-8 are attached hereto as Exhibit C.) MTK's ownership of the Mission Trace Shopping Center, of which the Site is a part, is also evidenced by the Contract set forth in Exhibit B, which merged with the deed to MTK and the Notice of Election and Demand for Sale by Public Trustee, Sale No. 48346 dated December 6, 2005 and recorded in the El Paso County Records December 20, 2015 at Reception No. 205200573, attached hereto as Exhibit A-6.

TMP Mission Trace LLC:

According to the documentation set forth in Exhibit A, TMP Mission Trace, LLC owned the Site from November 25, 1997 to June 25, 1999. The Special Warranty Deed dated November 25, 1997 and recorded November 25, 1997 in the El Paso County Records at Reception No. 97139039 by which TMP Mission Trace, LLC acquired title to the Site is attached hereto as Exhibit A-3. The Quit Claim Deed dated June 25, 1999 and recorded July 6, 1999 in the El Paso County Records at Reception No. 99108342 by which TMP Mission Trace conveyed the Site to TMP Trace, LLC is attached hereto as Exhibit A-4.

Attached hereto as Exhibit D-7 is a Third Amendment of Shopping Center Lease, dated January 28, 1999, by and between TMP Mission Trace, LLC and Chong S. Hall successor-in-interest to Sun P. Muse and William Muse for the Site, showing TMP Mission Trace, LLC as the Landlord.

Attached hereto as Exhibit E is a Hazardous Materials Indemnity Agreement, dated June 28, 1999 by and between TMP Trace, LLC and Anthony W. Thompson and William O. Passo, for the benefit of General Electric Capital Corporation, which identifies TMP Mission Trace, LLC as the Sole Member of TMP Trace, LLC. The Loan Agreement attached hereto as Exhibit 2 to Exhibit C-4; Promissory Note attached hereto as Exhibit 3 to Exhibit C-4; and Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing attached hereto as Exhibit 4 to Exhibit C-4, all dated June 28, 1997 by and between General Electric Capital Corporation and TMP Trace, LLC all identify TMP Mission Trace, LLC as the Sole Member of TMP Trace, LLC.

TMP Trace LLC:

According to the documentation set forth in Exhibit A, TMP Trace, LLC owned the Site from June 25, 1999 to May 16, 2002. The Quit Claim Deed dated June 25, 1999 and recorded July 6, 1999 in the El Paso County Records at Reception No. 99108342 by which TMP Trace, LLC acquired title to the Site is attached hereto as Exhibit A-4. The General Warranty Deed dated May 16, 2002 and recorded May 17, 2002 in the El Paso County Records at Reception No. 202081324 by which TMP Trace, LLC conveyed the Mission Trace Shopping Center, which includes the Site, to MTK is attached hereto as Exhibit A-5. TMP Trace, LLC was MTK's predecessor in interest to the Mission Trace Shopping Center, of which the Site is a part. In addition to the foregoing deeds, this is evidenced by the following documents:

The Contract set forth in Exhibit B, which merged with the deed to MTK.

Assumption and Release Agreement executed on May 16, 2002 and recorded in El Paso County Records, Colorado on May 17, 2002 at Reception No. 202081325, attached hereto as Exhibit F.

Hazardous Materials Indemnity Agreement dated June 28, 1999 by and between TMP Trace, LLC and Anthony W. Thompson and William O. Passo, for the benefit of General Electric Capital Corporation in Exhibit D.

Assignment of Lease and Option to Renew dated August 23, 2000 by and between TMP Trace, LLC, successor in interest to Guardian Life Insurance Company of America, Chong S. Hall, and JSK Cleaners, Inc., attached hereto as Exhibit D-8.

Guarantee of Lease dated August 23, 2000 by and between Jung Sin Kim¹ and Chong Min Steltzer and TMP Trace, LLC, successor-in-interest to Guardian Life Insurance Company of America attached hereto as Exhibit D-9.

TMP Trace LLC PT:

We do not have any documentation or knowledge about this entity. We note that the El Paso County Assessor's website lists "TMP Trace LLC PT" as the "Grantor" of the Public Trustee's Deed recorded in the El Paso County Records at Reception No. 206094839. That document is attached hereto as Exhibit A-8. This deed, from the Public Trustee of El Paso County, conveys the Mission Trace Shopping Center, of which the Site is a part, to New Mission, LLC as a result of foreclosure on the Deed of Trust dated June 28, 1999 and recorded in the El Paso County Records July 6, 1999 at Reception No. 99108343 whereby TMP Trace, LLC conveyed the Site in trust to the Public Trustee of El Paso County. Based solely on this information, we assume, without further verification or inquiry, that the El Paso County Assessor's website's reference to "TMP Trace LLC PT" is simply an abbreviation for the Public Trustee who held the Site in trust for TMP Trace, LLC.

King's One Hour Dry Cleaner:

King's One Hour Dry Cleaner was a Tenant of the Site that operated a dry cleaner before, during, and after MTK's ownership of the Mission Trace Shopping Center, of which the Site is a part. The following documentation evidences King's One Hour Dry Cleaner as a tenant of the Site:

Lease Documents, attached hereto as Exhibit D: (We are providing all lease documents in our possession, as we do not know the relationships between the individuals and entities that operated the dry cleaning business on the Site and if or how each one was related to King's One Hour Dry Cleaner. We note that the very first lease document references King's One Hour Cleaners.)

¹ Note that persons by the last name of "Kim" may appear frequently in the Exhibit documentation. Mr. Jong H. Kim, sole Member and Manager of MTK, has no relation to any of these persons.

Ross Retail Group Assignment and Consent dated February __, 1989 [undated] by and between Sun Yim, dba King's One Hour Cleaners, Joon Gil Yi and Ok Boon Yi, and The Guardian Life Ins. Co. of America.

Standard Lease by and between The Guardian Life Insurance Company of America and Joon Gil Yi and Ok Book Yi dated December 1, 1990.

Assignment and Consent by and between Joon Gil Yi and Ok Boon Yi; Sun P. and William Muse; and The Guardian Life Insurance Company of America dated October 15, 1993.

Consent and Waiver by and between The Guardian Life Insurance Company of America and Sun P. Muse and William Muse dated October 15, 1993.

Lease Amendment dated October 20, 1994 by and between Sun P. Muse and William Muse and El Paso County Retirement Plan.

Assignment and Consent by and between Sun P. Muse, Chong S. Hall, and The Guardian Life Insurance Company of America dated June 30, 1995 (incomplete document; only one page in MTK's records).

Third Amendment of Shopping Center Lease by and between TMP Mission Trace, LLC, successor-in-interest to Guardian Life Insurance Company of America and Chong S. Hall, successor-in-interest to Sun P. Muse and William Muse dated January 28, 1999.

Assignment of Lease and Option to Renew by and between TMP Trace, LLC, successor in interest to Guardian Life Insurance Company of America; Chong S. Hall; and JSK Cleaners, Inc. dated August 23, 2000.

Guarantee of Lease by Jung Sin Kim and Chong Min Steltzer for the benefit of TMP Trace, LLC, successor-in-interest to Guardian Life Insurance Company of America dated August 23, 2000.

Contract attached as Exhibit B, which merged with the deed to MTK, indicates all leases were to be conveyed with the real property.

Other Documents, attached hereto as Exhibit G:

Compliance Order and Assessment of Administrative Penalty Order Number 10-07-29-01, issued by Colorado Department of Public Health and the Environment, Hazardous Materials and Waste Management Division.

Correspondence from New Mission, LLC to Senator Mark Udall, Senator Michael F. Bennet, and Congressman Doug Lamborn dated September 10, 2012.

Written correspondence between Triple Net Properties, LLC, a property management company for Mission Trace Shopping Center owned by TMP Mission Trace, LLC, and King's One Hour Cleaners, regarding rent payments, maintenance and repair concerns, lease compliance issues, and other miscellaneous issues.

Written correspondence between TMP Management, Inc., a property management company for Mission Trace Shopping Center owned by TMP Mission Trace, LLC, and King's One Hour Cleaners, regarding lease compliance issues.

Occupant ledgers maintained by Griffis/Blessing, Inc., Kosmos Realty Co., and Triple Net Properties, LLC, each a management company for Mission Trace Shopping Center, showing King's One Hour Cleaners as a tenant of the Site.

Excerpts from Quantum Commercial Group Receiver for Mission Trace, Operating Report, April 2006.

Excerpts from Quantum Commercial Group Receiver for Mission Trace, Operating Report, May 2006.

6. Describe Respondent's activities at the Site, including the following, and provide copies of all documents relating to such activities:

a. The date Respondent acquired any portion of the Site;

MTK acquired title to the Mission Trace Shopping Center, of which the Site is part, on May 16, 2002 pursuant to the General Warranty Deed dated May 16, 2002 and recorded in the El Paso County Records on May 17, 2002 at Reception No. 202081324 and set forth in Exhibit A-5.

b. The entity from which Respondent acquired any portion of the Site;

MTK acquired the Mission Trace Shopping Center, of which the Site is part, from TMP Trace, LLC, as evidenced by the General Warranty Deed dated May 16, 2002 and recorded in El Paso County Records on May 17, 2002 at Reception No. 202081324 and set forth in Exhibit A-5.

c. A description of Respondent's operations at the Site to include;

1. Volume of PCE used;

MTK never occupied, operated, managed, or conducted any activities at the Mission Trace Shopping Center, of which the Site is a part. MTK held title to the Mission Trace Shopping Center, of which the Site is a part, but did not occupy any portion of the Mission Trace Shopping Center, of which the Site

is a part, and all operations were managed by King's One Hour Dry Cleaners. The day-to-day management of the Mission Trace Shopping Center, of which the Site is a part, was managed by third-party management companies, including, without limitation, Griffiths/Blessing, Inc. and Andy Song (deceased) (d/b/a Kosmos Realty Co.). The management activities of the third-party management companies did not include management of the business of King's One Hour Dry Cleaners. Because MTK never conducted any activities on the Mission Trace Shopping Center, of which the Site is a part, it did not use any PCE at the Site. An Acknowledgment of Property Manager, entered into by Kosmos Realty Co., to and for the benefit of Wells Fargo Bank Minnesota, N.A. f/k/a/ Norwest Bank Minnesota, National Association, successor in interest to General Electric Capital Corporation, is attached hereto as Exhibit H.

2. Any spillage or release of PCE; and

MTK never occupied, operated, managed, or conducted any activities at the Mission Trace Shopping Center, of which the Site is a part. MTK held title to the Mission Trace Shopping Center, of which the Site is a part, but did not occupy any portion of the Mission Trace Shopping Center, of which the Site is a part and all operations were managed by King's One Hour Dry Cleaners. The day-to-day management of the Mission Trace Shopping Center, of which the Site, is a part was managed by third-party management companies, including, without limitation, Griffith Blessing and Andy Song (deceased) (d/b/a Kosmos Realty Co.). The management activities of the third-party management companies did not include management of the business of King's One Hour Dry Cleaners. Because MTK never conducted any activities on the Mission Trace Shopping Center, of which the Site is a part, it did not spill or release any PCE at the Site. An Acknowledgment of Property Manager, entered into by Kosmos Realty Co., to and for the benefit of Wells Fargo Bank Minnesota, N.A. f/k/a/ Norwest Bank Minnesota, National Association, successor in interest to General Electric Capital Corporation, is attached hereto as Exhibit H.

3. Any documentation and/or reports of PCE.

MTK never occupied, operated, managed, or conducted any activities at the Mission Trace Shopping Center, of which the Site is a part. Notwithstanding the foregoing, a Phase I Environmental Site Assessment Report, dated September 23, 2005 was prepared (presumably as part of the foreclosure) for CW Capital Asset Management LLC as Special Servicer for Wells Fargo as Trustee for the Registered Holders of CCMSC 1992-2 and is attached hereto as Exhibit I (incomplete document; providing all pages in MTK's records).

This Phase I Environmental Site Assessment Report includes references to the use of PCE at the Site.

d. Any changes Respondent made to the Site including any demolition or improvements;

MTK never occupied, operated, managed, or conducted any activities at the Mission Trace Shopping Center, of which the Site is a part. The Site is part of a retail shopping center. Mission Trace Shopping Center was operated as a retail shopping center during MTK's ownership. During the course of MTK's ownership of the Mission Trace Shopping Center and during the normal course of business of operating a retail shopping center, various exterior common area maintenance activities, such as snow removal, parking lot sweeping, and other light maintenance of the parking lot, were conducted as part of lease agreements entered into with tenants of the shopping center.

e. The activities taken upon cessation of operations at the Site;

MTK never occupied, managed, operated, or conducted activities at the Mission Trace Shopping Center, of which the Site is a part. MTK did not engage in any activities upon cessation of its ownership of the Mission Trace Shopping Center, of which the Site is a part.

f. The date Respondent transferred all or a portion of the Site, and the entity to which the Site was transferred.

On June 27, 2006, the Public Trustee of El Paso County conveyed the Mission Trace Shopping Center, of which the Site is a part, via Public Trustee's Deed dated June 27, 2006 and recorded June 27, 2006 in the El Paso County Records at Reception No. 206084839 to New Mission, LLC as a result of the foreclosure of the Deed of Trust dated June 28, 1999 and recorded in the El Paso County Records is attached hereto as Exhibit A-8. The aforementioned Deed of Trust was granted by TMP Trace, LLC and assumed by MTK pursuant to that Assumption and Release Agreement set forth in Exhibit F. The Notice of Election and Demand set forth in Exhibit A-6 evidences the intent of the holder of the Deed of Trust to sell the Site. The Public Trustee's Certificate of Purchase, Foreclosure No. 48346, dated April 12, 2006 and recorded in the El Paso County Records April 17, 2006 at Reception No. 206055548, attached hereto as Exhibit A-7 indicates New Mission, LLC purchased the Site.

- 7. Provide copies of all documents regarding environmental conditions at the Site including, but not limited to, any sampling information, solid and hazardous waste management plans, and any known releases of hazardous substances.**

MTK is providing the following documents regarding environmental conditions at the Site:

Phase I Environmental Site Assessment Report, dated September 23, 2005, prepared for CW Capital Asset Management LLC as Special Servicer for Wells Fargo as Trustee for the Registered Holders of CCMSC 1992-2 set forth in Exhibit I (incomplete document; providing all pages in MTK's records).

Correspondence and other documents generated by Terracon Consultants, Inc., consultant to New Mission, LLC, attached hereto as **Exhibit J.**

Correspondence and memoranda from the United States Environmental Protection Agency, attached hereto as **Exhibit K.**

Documents generated by the Colorado Department of Public Health and Environment containing Site inspection information, attached hereto as **Exhibit L.**

Letter correspondence sent by the Colorado Department of Public Health and Environment, attached hereto as **Exhibit M.**

Maps, tables, and compilations of data, attached hereto as **Exhibit N.**

Miscellaneous email correspondence, attached hereto as **Exhibit O.**

Miscellaneous letter correspondence, attached hereto as **Exhibit P.**

- 8. Describe all waste materials that resulted from Respondent's activities at the Site. Describe the location and method of storing waste. Identify any hazardous substances contained in such wastes and provide copies of any and all documents that describe any analysis of such wastes and the results of the analysis.**

MTK never engaged in any activities at the Mission Trace Shopping Center, of which the Site is a part, and, as a result, did not engage in any activities that resulted in any waste at the Site and did not store any waste at the Site.

- 9. Provide copies of any and all permits issued by State or Federal agencies related to your activities at the Site.**

MTK was never issued any permits by State or Federal agencies.

- 10. Identify companies or individuals that Respondent hired to perform work at the Site. Provide all documentation, including contracts, pertaining to this work. Include information about the purpose of and documentation related to Respondent's contracts at the Site.**

MTK hired vendors and contractors to perform routine exterior common area maintenance and upkeep at the Mission Trace Shopping Center, of which the Site is a part, as part of routine business practices, including roof repair and maintenance, parking lot repair and maintenance, and snow removal. MTK destroyed all non-essential documents, including documentation related to vendors and contractors, in the normal course of operations five years after the Mission Trace Shopping Center, of which the Site is a part, was conveyed to New Mission, LLC.

- 11. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein, or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.**

The following persons may be able to provide more detailed or complete responses to questions contained herein, or may be able to provide additional responsive documents:

- (i) Charles Golding, Jr., predecessor in interest to MTK;
- (ii) The Guardian Life Insurance Company of America, predecessor in interest to MTK;
- (iii) The El Paso County Retirement Plan, predecessor in interest to MTK;
- (iv) TMP Mission Trace, LLC, predecessor in interest to MTK;
- (v) TMP Trace, LLC, predecessor in interest to MTK;
- (vi) New Mission, LLC, successor in interest to MTK; and
- (vii) King's One Hour Dry Cleaner, tenant at the Site prior to, during, and after TMK's ownership of the Mission Trace Shopping Center, of which the Site is a part.

Please do not hesitate to contact me if you have any additional questions.

Sincerely,



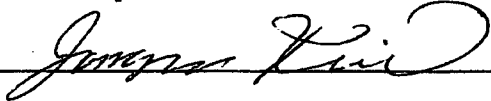
Rebecca L. Almon

RLA/JEP
Enclosures

NOTARIZED CERTIFICATE

I, Jong H. Kim, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized to respond to the Environmental Protection Agency's (EPA's) request for information concerning the Widefield PCE Site, Colorado Springs and Security, Colorado.
2. I have made a complete and thorough review of all documents, information, and sources relevant to the request.
3. I hereby certify that the attached response to EPA's request is complete and contains all information and documents responsive to the request.


(Signature)

Jong H. Kim
(Name)

Sole Member and Manager of Mission Trace Kim, LLC
(Title)

(SEAL)

Subscribed and sworn to me this 4th day of January, 2016.
Notary Public

My Commission Expires 4/21/18

My address is 730 Citadel Dr.

Colorado Springs, CO 80909

